

SENATE BILL No. 114

DIGEST OF INTRODUCED BILL

Citations Affected: IC 2-2.1-3-2; IC 2-7; IC 3-5-2-29.2; IC 3-9; IC 4-2.

Synopsis: Government ethics. Provides that legislative and executive branch statements of economic interests are not required to report gifts. Provides that legislative branch statements of economic interests are not required to report purchases by a lobbyist from the filer's business. Requires legislative branch lobbyists to report such expenses to the lobby registration commission, the applicable member of the general assembly, and the clerk of the house or the secretary of the senate. Requires the lobby registration commission to compile these purchases and gifts and provide them to the legislator or candidate. Requires executive branch lobbyists to report these expenses to the state ethics commission. Provides that a lobbyist may not make an expenditure with respect to an applicable individual unless the lobbyist receives the approval of the applicable individual before making the expenditure. Provides that an executive branch lobbyist may not make a gift with respect to an applicable individual unless the lobbyist receives the approval of the applicable individual hours before making the gift. Requires an executive branch lobbyist to report such gifts to the state ethics commission and the applicable individual. Provides that the definition of "lobbying" the general assembly includes communication with a state executive branch officer to influence legislative action. Provides that the definition of a legislative branch "lobbyist" does not include a national organization established for the education and support of legislators, legislative staff, or related government employees. Removes the inclusion of officials and employees of state educational institutions from the definitions of "public official" and "public employee" for purposes of the lobbyist registration statute.
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Effective: July 1, 2010; January 1, 2011.

Miller

January 5, 2010, read first time and referred to Committee on Rules and Legislative Procedure.



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Requires the clerk of the house and the secretary of the senate to make legislative branch statements of economic interests available on the Internet. Reduces the amount of a single expenditure that must be reported by a lobbyist from \$100 to \$50. Reduces the calendar year threshold of expenses that must be reported from \$500 to \$250. Requires that a lobbyist's expenditure report must include expenses for a function or activity to which all members of the general assembly are invited, all members of a standing or other committee established by the rules of the house of representative or senate are invited, or all members of a study committee are invited. Provides that such expenses may not be allocated and reported with respect to a particular applicable individual. Provides that if more than one lobbyist contributes to an expenditure, each lobbyist is required to report the actual amount the lobbyist contributed to the expenditure. Provides that a lobbyist must report actual expenditures with respect to an applicable individual and may not allocate to the particular applicable individual a prorated amount derived from an expense made with respect to several applicable individuals. Provides that a lobbyist may not report an expenditure relating to property or services received by an applicable individual if the applicable individual paid for the property or services what would be charged to any purchaser of the property or services in the ordinary course of business. Increases the daily penalty for failure to file lobbyist registration statements and activity reports from \$10 per day to \$100 per day. Increases the maximum penalty for failure to file lobbyist registration statements and activity reports from \$100 to \$18,000. Requires the lobby registration commission to make available on the Internet all reports, statements, and documents filed with the commission and all manuals, indices, summaries, and other documents the commission is required to compile, publish, or maintain. Provides that a member of the general assembly may not be registered as a lobbyist for 365 days after ceasing to be a member of the general assembly. Provides that a state officer (the governor, lieutenant governor, secretary of state, auditor of state, treasurer of state, attorney general, or superintendent of public instruction) may not use the state officer's name or likeness in an audio or video publication paid for entirely or in part with appropriations made by the general assembly. Provides that this prohibition does not apply to a communication made by the governor concerning the public health or safety. Provides that a state officer may use the title of the office the state officer holds in such a communication. Provides for criminal and civil penalties for violations. Requires the election division to develop, and the election commission to approve, electronic filing standards for campaign finance reports. Eliminates a requirement that a candidate for legislative office and the candidate's committee file with the county election board of the county in which the candidate resides a duplicate copy of each required report filed with the election division. Establishes a local office large expenditure candidate's committee designation for certain local office candidate committees that receive more than \$25,000 in contributions or make more than \$25,000 in expenditures during a reporting period. Requires a local office large expenditure candidate's committee to file reports, notices, and other instruments electronically with the election division (instead of with a county election board). Reduces from \$50,000 to \$25,000 the contribution threshold for a political action committee to file campaign finance reports electronically. Requires a political action committee to file reports electronically with the election division if the committee makes more than \$25,000 in expenditures in a reporting period. Makes conforming changes to recognize other forms of electronic filing in addition to electronic mail. Requires the election

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division to provide an electronic receipt for electronic filings. Makes technical changes. Repeals superseded statutes.

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Introduced

Second Regular Session 116th General Assembly (2010)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2009 Regular and Special Sessions of the General Assembly.

SENATE BILL No. 114

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 2-2.1-3-2 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 2. (a) Not later
3 than seven (7) calendar days following the first session day in January
4 of each year every member of the general assembly shall file with the
5 principal clerk of the house or secretary of the senate, respectively, a
6 written statement of the member's or candidate's economic interests for
7 the preceding calendar year listing the following:
8 (1) The name of the member's or candidate's employer and the
9 employer of the member's or candidate's spouse and the nature of
10 the employer's business. The house of representatives and senate
11 need not be listed as an employer.
12 (2) The name of any sole proprietorship owned or professional
13 practice operated by the member or candidate or the member's or
14 candidate's spouse and the nature of the business.
15 (3) The name of any partnership of which the member or



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candidate or the member's or candidate's spouse is a member and the nature of the partnership's business.

(4) The name of any corporation of which the member or candidate or the member's or candidate's spouse is an officer or director and the nature of the corporation's business. Churches need not be listed.

(5) The name of any corporation in which the member or candidate or the member's or candidate's spouse or unemancipated children own stock or stock options having a fair market value in excess of ten thousand dollars (\$10,000). No time or demand deposit in a financial institution or insurance policy need be listed.

(6) The name of any state agency or the supreme court of Indiana which licenses or regulates the following:

(A) The member's or candidate's or the member's or candidate's spouse's profession or occupation.

(B) Any proprietorship, partnership, corporation, or limited liability company listed under subdivision (2), (3), or (4) and the nature of the licensure or regulation.

The requirement to file certain reports with the secretary of state or to register with the department of state revenue as a retail merchant, manufacturer, or wholesaler shall not be considered as licensure or regulation.

(7) The name of any person whom the member or candidate knows to have been a lobbyist in the previous calendar year and knows to have purchased any of the following:

(A) From the member or candidate, the member's or candidate's sole proprietorship, or the member's or candidate's family business, goods or services for which the lobbyist paid in excess of one hundred dollars (\$100).

(B) From the member's or candidate's partner, goods or services for which the lobbyist paid in excess of one thousand dollars (\$1,000).

This subdivision does not apply to purchases made after December 31, 1998, by a lobbyist from a legislator's retail business made in the ordinary course of business at prices that are available to the general public. For purposes of this subdivision, a legislator's business is considered a retail business if the business is a retail merchant as defined in IC 6-2.5-1-8.

(8) The name of any person or entity from whom the member or candidate received the following:

(A) Any gift of cash from a lobbyist.

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(B) Any single gift other than cash having a fair market value in excess of one hundred dollars (\$100):

However, a contribution made by a lobbyist to a charitable organization (as defined in Section 501(c) of the Internal Revenue Code) in connection with a social or sports event attended by legislators need not be listed by a member of the general assembly unless the contribution is made in the name of the legislator:

(C) Any gifts other than cash having a fair market value in the aggregate in excess of two hundred fifty dollars (\$250). Campaign contributions need not be listed. Gifts from a spouse or close relative need not be listed unless the donor has a substantial economic interest in a legislative matter:

~~(9)~~ (7) The name of any lobbyist who is:

- (A) a member of a partnership or limited liability company;
- (B) an officer or a director of a corporation; or
- (C) a manager of a limited liability company;

of which the member or candidate for the general assembly is a partner, an officer, a director, a member, or an employee, and a description of the legislative matters which are the object of the lobbyist's activity.

~~(10)~~ (8) The name of any person or entity on whose behalf the member or candidate has appeared before, contacted, or transacted business with any state agency or official thereof, the name of the state agency, the nature of the appearance, contact, or transaction, and the cause number, if any. This requirement does not apply when the services are rendered without compensation.

~~(11)~~ (9) The name of any limited liability company of which the member of the general assembly, the candidate, or the member's or candidate's individual spouse has an interest.

(b) Before any person who is not a member of the general assembly files the person's declaration of candidacy, declaration of intent to be a write-in candidate, or petition of nomination for office or is selected as a candidate for the office under IC 3-13-1 or IC 3-13-2, the person shall file with the clerk of the house or secretary of the senate, respectively, the same written statement of economic interests for the preceding calendar year that this section requires members of the general assembly to file.

(c) Any member of or candidate for the general assembly may file an amended statement upon discovery of additional information required to be reported.

(d) The clerk of the house and the secretary of the senate,

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respectively, shall make copies of the statements filed under this section available on the general assembly's Internet web site.

SECTION 2. IC 2-7-1-0.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: **Sec. 0.1. The definitions in this chapter apply throughout this article.**

SECTION 3. IC 2-7-1-1.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: **Sec. 1.3. "Applicable individual" refers to any of the following:**

- (1) **A legislative official.**
- (2) **A candidate.**
- (3) **A state officer.**
- (4) **A member of the immediate family of anyone described in subdivision (1), (2), or (3).**

SECTION 4. IC 2-7-1-1.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: **Sec. 1.7. "Candidate" refers to a candidate for election to the general assembly.**

SECTION 5. IC 2-7-1-1.9 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: **Sec. 1.9. "Commission" refers to the Indiana lobby registration commission established by IC 2-7-1.6-1.**

SECTION 6. IC 2-7-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: **Sec. 3. (a) "Expenditure" means any:**

- (1) advance;
- (2) conveyance;
- (3) deposit;
- (4) distribution;
- (5) **gift;**
- (6) transfer; ~~of funds;~~
- (7) loan;
- (8) payment;
- (9) honorarium;
- (10) pledge; or
- (11) subscription;

of money or anything of value. ~~and any~~

(b) The term includes a contract, an agreement, a promise, or other an obligation to make an expenditure, whether or not legally enforceable. ~~to make an expenditure.~~

(c) The following are considered expenditures for purposes of

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reporting under this article:

- (1) Compensation to others who perform lobbying services.
- (2) Reimbursement to others who perform lobbying services.
- (3) Payment for the cost of receptions, entertainment, and meals.
- (4) Gifts made to an applicable individual.

SECTION 7. IC 2-7-1-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 8. "Legislative official" means any of the following:

- (1) A member. of the general assembly, or any
- (2) An officer of the general assembly.
- (3) An employee of the general assembly. or
- (4) A paid consultant of the general assembly. or
- (5) An agency of the general assembly.

SECTION 8. IC 2-7-1-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 9. "Lobbying" means:

- (1) communicating by any means; or
 - (2) paying others to communicate by any means;
- with any legislative official or state officer with the purpose of influencing any legislative action.

SECTION 9. IC 2-7-1-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 10. (a) "Lobbyist" means any person who:

- (1) engages in lobbying; and
- (2) in any registration year, receives or expends an aggregate of at least five hundred dollars (\$500) in compensation or expenditures reportable under this article for lobbying, whether the compensation or expenditure is solely for lobbying or the lobbying is incidental to that individual's regular employment.

(b) The following are not considered lobbyists:

- (1) The National Conference of State Legislatures.
- (2) The National Conference of Insurance Legislators.
- (3) The Council of State Governments.
- (4) Any other national organization established for the education and support of legislators, legislative staff, or related government employees.

SECTION 10. IC 2-7-1-10.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 10.5. "Member", except as used in IC 2-7-3-3(a) and IC 2-7-7-8, refers to a member of the general assembly.

SECTION 11. IC 2-7-1-13, AS AMENDED BY P.L.2-2007,

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SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 13. "Public employee" means an employee of the state or federal government or a political subdivision of either of those governments. ~~and does include an official or employee of a state educational institution.~~

SECTION 12. IC 2-7-1-14, AS AMENDED BY P.L.2-2007, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 14. "Public official" means an individual who holds office in the executive, judicial, or legislative branch of the state or federal government or a political subdivision of either of those governments. ~~and includes an official or employee of a state educational institution.~~

SECTION 13. IC 2-7-1-18 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: **Sec. 18. "State officer" has the meaning set forth in IC 4-2-6-1.**

SECTION 14. IC 2-7-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 2. (a) Each registration statement shall be filed not later than January 15 or within fifteen (15) days after the registrant becomes a lobbyist, whichever is later. Each registration statement expires on December 31 of the year for which it was issued. The commission may accept registration statements before January 1 of the year to which they apply, as the commission determines.

(b) Subject to subsections (c) and (d), the commission shall impose a late registration fee of ~~ten one hundred~~ **dollars (\$10) (\$100)** per day for each day after the deadline until the statement is filed.

(c) The late registration fee shall not exceed ~~one hundred eighteen thousand~~ **dollars (\$100); (\$18,000).**

(d) The commission may waive the late registration fee if the commission determines that the circumstances make imposition of the fee inappropriate.

SECTION 15. IC 2-7-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 2. (a) One (1) activity report shall be filed not later than May 31, covering the period from November 1 of the immediately preceding calendar year through April 30. The other activity report shall be filed not later than November 30, covering the period from May 1 through October 31. The commission shall provide a copy of an activity report to a member of the general assembly at the request of the member.

(b) Subject to subsections (c) and (d), the commission shall impose a penalty of ~~ten one hundred~~ **dollars (\$10) (\$100)** per day for each day

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that the person fails to file any report required by this chapter until the report is filed.

(c) The penalty shall not exceed ~~one hundred eighteen thousand~~ dollars ~~(\$100)~~ **(\$18,000)** per report.

(d) The commission may waive the penalty if the commission determines that the circumstances make imposition of the penalty inappropriate.

SECTION 16. IC 2-7-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 3. (a) The activity reports of each lobbyist shall include the following:

(1) A complete and current statement of the information required to be supplied under IC 2-7-2-3 and IC 2-7-2-4.

(2) Total expenditures on lobbying (prorated, if necessary) broken down to include ~~at least the following~~ categories **determined by the commission.**

~~(A) Compensation to others who perform lobbying services.~~

~~(B) Reimbursement to others who perform lobbying services.~~

~~(C) Receptions.~~

~~(D) Entertainment, including meals. However, a function to which the entire general assembly is invited is not lobbying under this article.~~

~~(E) Gifts made to an employee of the general assembly or a member of the immediate family of an employee of the general assembly.~~

(3) A statement of expenditures and gifts ~~each expenditure that equal one hundred equals fifty~~ dollars ~~(\$100)~~ **(\$50)** or more in one (1) day, or that together total more than ~~five two~~ hundred ~~fifty~~ dollars ~~(\$500)~~ **(\$250)** during the calendar year, if the expenditures and gifts are made by the registrant or ~~his the~~ **registrant's** agent to benefit **an applicable individual.**

~~(A) A member of the general assembly.~~

~~(B) An officer of the general assembly.~~

~~(C) An employee of the general assembly. or~~

~~(D) A member of the immediate family of anyone included in clause (A), (B), or (C).~~

~~(4) Whenever a lobbyist makes an expenditure that is for the benefit of all of the members of the general assembly on a given occasion, the total amount expended shall be reported, but the lobbyist shall not prorate the expenditure among each member of the general assembly~~

~~(5)~~ **(4)** A list of the general subject matter of each bill or resolution concerning which a lobbying effort was made within

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the registration period.

~~(6)~~ (5) The name of the beneficiary of each expenditure ~~or gift~~ made by the lobbyist or ~~his~~ **the lobbyist's** agent that is required to be reported under subdivision (3).

~~(7)~~ (6) The name of each member ~~of the general assembly~~ from whom the lobbyist has received an affidavit required under IC 2-2.1-3-3.5.

(b) In the second semiannual report, when total amounts are required to be reported, totals shall be stated both for the period covered by the statement and for the entire reporting year.

(c) An ~~amount~~ **expenditure** reported under this section is not required to include the following:

(1) Overhead costs.

(2) Charges for any of the following:

(A) Postage.

(B) Express mail service.

(C) Stationery.

(D) Facsimile transmissions.

(E) Telephone calls.

(3) Expenditures for the personal services of clerical and other support staff persons who are not lobbyists.

(4) Expenditures for leasing or renting an office.

(5) Expenditures for lodging, meals, and other personal expenses of the lobbyist.

(d) An activity report must report expenses for a function or activity to which any of the following are invited:

(1) All members.

(2) All members of a standing or other committee established by the rules of the house of representatives or the senate.

(3) All members of a study committee established by statute or by the legislative council.

Expenses reported for a function or activity under this subsection may not be allocated and reported with respect to a particular applicable individual.

(e) A report of expenses with respect to a particular applicable individual:

(1) must report actual amounts to the extent practicable; and

(2) may not allocate to the particular applicable individual a prorated amount derived from an expense made with respect to several applicable individuals.

(f) If two (2) or more lobbyists contribute to an expenditure, each lobbyist shall report the actual amount the lobbyist

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1 contributed to the expenditure. For purposes of reporting the
2 expenditure, the following apply:

3 (1) For purposes of determining whether the expenditure is
4 reportable, the total amount of the expenditure must be
5 determined and not the amount that each lobbyist contributed
6 to the expenditure.

7 (2) Each lobbyist shall report the actual amount the lobbyist
8 contributed to the expenditure, even if that amount would not
9 have been reportable under this section if only one lobbyist
10 made an expenditure of that amount.

11 (g) The commission shall adopt rules to determine the categories
12 by which a report under this section must itemize expenditures.
13 The categories must include at least those categories under which
14 a lobbyist was required to report expenditures before July 1, 2011.

15 SECTION 17. IC 2-7-3-7 IS ADDED TO THE INDIANA CODE
16 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
17 JANUARY 1, 2011]: Sec. 7. (a) This section does not apply to a
18 purchase by a lobbyist from an applicable individual's business
19 made in the ordinary course of business at prices that are available
20 to the general public.

21 (b) As used in this section, "purchase" refers to a purchase of
22 goods or services for which the lobbyist paid more than one
23 hundred dollars (\$100) from any of the following:

- 24 (1) An applicable individual.
- 25 (2) An applicable individual's sole proprietorship.
- 26 (3) An applicable individual's family business.

27 (c) A lobbyist shall file a written report with respect to an
28 applicable individual whenever the lobbyist makes a purchase.

29 (d) A report required by this section must state the following:

- 30 (1) The name of the lobbyist making the purchase.
- 31 (2) A description of the purchase.
- 32 (3) The amount of the purchase.

33 (e) A lobbyist shall file a copy of a report required by this
34 section with all the following:

- 35 (1) The commission.
- 36 (2) The applicable individual with respect to whom the report
37 is made.
- 38 (3) The principal clerk of the house of representatives, if the
39 applicable individual is a member of, or a candidate for
40 election to, the house of representatives.
- 41 (4) The secretary of the senate, if the applicable individual is
42 a member of, or candidate for election to, the senate.

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1 (f) A lobbyist shall file a report required by this section not later
2 than seven (7) days after making the purchase.

3 (g) Not later than January 7, the commission shall provide to
4 each member and candidate a written compilation of all reports
5 filed under subsection (e) relating to that member or candidate.
6 The compilation must provide the following information to the
7 member or candidate for each purchase:

8 (1) A description of the purchase.

9 (2) The amount of the purchase.

10 (3) The name of the lobbyist making the purchase.

11 SECTION 18. IC 2-7-3-8 IS ADDED TO THE INDIANA CODE
12 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
13 JANUARY 1, 2011]: Sec. 8. (a) A lobbyist shall file a written report
14 whenever the lobbyist makes an expenditure with respect to an
15 applicable individual that is required to be included in a report
16 under section 3 of this chapter.

17 (b) A report under this section must state the following:

18 (1) The name of the lobbyist making the expenditure.

19 (2) A description of the expenditure.

20 (3) The amount of the expenditure.

21 (c) A lobbyist shall file a copy of a report required by this
22 section with all the following:

23 (1) The commission.

24 (2) The applicable individual with respect to whom the report
25 is made.

26 (3) The principal clerk of the house of representatives, if the
27 applicable individual is a member of, or a candidate for
28 election to, the house of representatives.

29 (4) The secretary of the senate, if the applicable individual is
30 a member of, or candidate for election to, the senate.

31 (d) A lobbyist shall file a report required by this section not
32 later than seven (7) days after making the expenditure.

33 (e) Not later than January 7, the commission shall provide to
34 each member and candidate a written compilation of all reports
35 filed under subsection (c) relating to that member or candidate.
36 The compilation must provide the following information to the
37 member or candidate for each expenditure:

38 (1) A description of the expenditure.

39 (2) The amount of the expenditure.

40 (3) The name of the lobbyist making the expenditure.

41 SECTION 19. IC 2-7-3-9 IS ADDED TO THE INDIANA CODE
42 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE

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JANUARY 1, 2011]: **Sec. 9. A lobbyist may not make a report under this chapter relating to property or services received by an applicable individual if the applicable individual paid for the property or services the amount that would be charged to any purchaser of the property or services in the ordinary course of business.**

SECTION 20. IC 2-7-4-5.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: **Sec. 5.5. The commission shall make copies of all of the following available on the Internet:**

(1) Reports, statements, other documents required to be filed under this article.

(2) Manuals, indices, summaries, and other documents the commission is required to compile, publish, or maintain under this article.

SECTION 21. IC 2-7-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: **Sec. 1. It is unlawful for any A legislative official to or a state officer may not receive compensation or reimbursement other than from the state for personally engaging in lobbying.**

SECTION 22. IC 2-7-5-7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: **Sec. 7. (a) This section applies to an individual who:**

(1) has served as a member of the general assembly; and
(2) ceases to be a member of the general assembly after June 30, 2011.

(b) An individual described in subsection (a) may not be registered as a lobbyist under this article during the period that:

(1) begins on the day the individual ceases to be a member of the general assembly; and
(2) ends three hundred sixty-five (365) days after the date the individual ceases to be a member of the general assembly.

SECTION 23. IC 2-7-5-8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: **Sec. 8. A lobbyist may not make an expenditure with respect to an applicable individual unless the lobbyist receives the consent of the applicable individual before the expenditure is made.**

SECTION 24. IC 2-7-6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: **Sec. 3. ~~Whoever~~ A person who knowingly or intentionally makes a false report under this chapter**

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article that overstates or understates the amount of ~~any or all expenditures or gifts~~ **an expenditure** commits a Class D felony.

SECTION 25. IC 2-7-6-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 6. (a) The commission may impose either or both of the following sanctions if, after a hearing under IC 4-21.5-3, the commission finds that a lobbyist failed to file a report with ~~a member of the general assembly~~ **an applicable individual** required by ~~IC 2-7-3-6~~ **IC 2-7-3-7 or IC 2-7-3-8**:

(1) Revoke the registration of the lobbyist.

(2) Assess a civil penalty against the lobbyist. A civil penalty assessed under this subdivision may not be more than five hundred dollars (\$500).

(b) In imposing sanctions under subsection (a), the commission shall consider the following:

(1) Whether the failure to file the report was willful or negligent.

(2) Any mitigating circumstances.

SECTION 26. IC 3-5-2-29.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 29.2. (a) **"Local office large expenditure candidate's committee" means a candidate's committee for the office of:**

(1) judge of:

(A) a court elected by the voters; or

(B) a superior court subject to a retention vote;

(2) prosecuting attorney;

(3) executive (as defined in IC 36-1-2-5) of a political subdivision, if the executive is elected by the voters;

(4) member of a fiscal body (as defined in IC 36-1-2-6) of a political subdivision, if the member is elected by the voters;

(5) county sheriff; or

(6) member of a school board;

that, since the close of the previous reporting period, has received more than twenty-five thousand dollars (\$25,000) in contributions or has made more than twenty-five thousand dollars (\$25,000) in expenditures.

(b) A candidate's committee that is designated an exploratory committee for an unspecified office in the committee's campaign finance statement of organization filed with a county election board is considered a local office large expenditure candidate's committee if, since the close of the previous reporting period, the committee has:

(1) received more than twenty-five thousand dollars (\$25,000)

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1 **in contributions; or**

2 **(2) made more than twenty-five thousand dollars (\$25,000) in**
 3 **expenditures.**

4 SECTION 27. IC 3-9-1-3 IS AMENDED TO READ AS FOLLOWS
 5 [EFFECTIVE JANUARY 1, 2011]: Sec. 3. Each committee must file
 6 a statement of organization not later than noon ten (10) days after it
 7 becomes:

8 **(1) a committee; or**

9 **(2) after December 31, 2010, a local office large expenditure**
 10 **candidate's committee.**

11 SECTION 28. IC 3-9-1-12 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 12. (a) A
 13 committee may disband at any time in the manner prescribed by this
 14 section.

15 (b) The commission or a county election board may administratively
 16 disband a committee in the manner prescribed by this section.

17 (c) The commission has exclusive jurisdiction to disband any of the
 18 following:

19 (1) A candidate's committee for state office.

20 (2) A candidate's committee for legislative office.

21 (3) A legislative caucus committee.

22 (4) A political action committee that has filed a statement or
 23 report with the election division.

24 (5) A regular party committee that has filed a statement or report
 25 with the election division.

26 **(6) A local office large expenditure candidate's committee.**

27 (d) A county election board has exclusive jurisdiction to disband
 28 any of the following:

29 (1) A candidate's committee for a local office, **except for a local**
 30 **office large expenditure candidate's committee.**

31 (2) A candidate's committee for a school board office, **except for**
 32 **a local office large expenditure candidate's committee.**

33 (3) A political action committee that has filed a statement or
 34 report with the election board, unless the political action
 35 committee has also filed a report with the election division.

36 (4) A regular party committee that has filed a statement or report
 37 with the election board, unless the regular party committee has
 38 also filed a report with the election division.

39 (e) The commission or a county election board may administratively
 40 disband a committee in the following manner:

41 (1) Not later than the last Friday of January of each year, the
 42 election division or county election board shall review the list of

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committees that have filed statements of organization with the division or board under this article.

(2) If the election division or county election board determines both of the following, the election division or county election board may begin a proceeding before the commission or board to administratively disband the committee:

(A) The committee has not filed any report of expenditures during the previous three (3) calendar years.

(B) The committee last reported cash on hand in an amount that does not exceed one thousand dollars (\$1,000), if the committee filed a report under this article.

(3) The election division or county election board shall provide notice of the proceeding by certified mail to the last known address of the chairman and treasurer of the committee.

(4) The commission or board may issue an order administratively dissolving the committee and waiving any outstanding civil penalty previously imposed by the commission or board, if the commission or board makes the following findings:

(A) There is no evidence that the committee continues to receive contributions, make expenditures, or otherwise function as a committee.

(B) The prudent use of public resources makes further efforts to collect any outstanding civil penalty imposed against the committee wasteful or unjust.

(C) According to the best evidence available to the commission or board, the dissolution of the committee will not impair any contract or impede the collection of a debt or judgment by any person.

(5) The election division shall arrange for the publication in the Indiana Register of an order administratively disbanding a committee. A county election board shall publish a notice under IC 5-3-1 stating that the board has disbanded a committee under this subsection. The notice must state the date of the order and the name of the committee, but the board is not required to publish the text of the order.

(6) An order issued under this subsection takes effect immediately upon its adoption, unless otherwise specified in the order.

(f) If the chairman or treasurer of a committee wishes to disband the committee, the committee must do either of the following:

(1) Give written notification of the dissolution and transfer a surplus of contributions less expenditures to any one (1) or a combination of the following:

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- 1 (A) One (1) or more regular party committees.
 2 (B) One (1) or more candidate's committees.
 3 (C) The election division.
 4 (D) An organization exempt from federal income taxation
 5 under Section 501 of the Internal Revenue Code.
 6 (E) Contributors to the committee, on a pro rata basis.
 7 (2) Use the surplus in any other manner permitted under
 8 IC 3-9-3-4.
 9 (g) Except as provided in subsection (e) concerning the waiver of
 10 civil penalties, a dissolution or transfer of funds does not relieve the
 11 committee or the committee's members from civil or criminal liability.
 12 SECTION 29. IC 3-9-4-4, AS AMENDED BY P.L.164-2006,
 13 SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JANUARY 1, 2011]: Sec. 4. (a) The election division shall develop a
 15 filing and coding system consistent with the purposes of this article.
 16 The election division and each county election board shall use the
 17 filing and coding system. The coding system must provide:
 18 (1) not more than ten (10) codes to account for various campaign
 19 expenditure items; and
 20 (2) a clear explanation of the kinds of expenditure items that must
 21 be accounted for under each code.
 22 (b) The election division shall develop and use a computer system
 23 to store campaign finance reports required to be filed under IC 3-9-5-6,
 24 IC 3-9-5-10, and IC 3-9-5-20.1. The computer system must enable the
 25 election division to do the following:
 26 (1) Identify all candidates or committees that received
 27 contributions from a contributor over the past three (3) years.
 28 (2) Identify all contributors to a candidate or committee over the
 29 past three (3) years.
 30 (3) Provide for electronic submission, retrieval, storage, and
 31 disclosure of campaign finance reports of:
 32 (A) candidates for: ~~the following:~~
 33 ~~(A) Legislative office.~~
 34 ~~(B) State office.~~
 35 (i) legislative office; or
 36 (ii) state office; or
 37 (B) after December 31, 2010, a local office large
 38 expenditure candidate's committee.
 39 The election division shall provide training at no cost to
 40 candidates to enable candidates described in this subdivision to
 41 file campaign finance reports ~~electronically.~~ **that comply with**
 42 **electronic filing standards approved by the commission.**

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(c) The election division shall notify each candidate's committee that the election division will provide at the committee's request at no cost a standardized software program to permit the committee to install the software on a computer and generate an electronic version of the reports and statements required to be filed with the election division under this article. **The election division shall develop electronic filing standards for the reports and statements, and the standards, to be effective, must be approved by the commission.** However, the election division is not required to provide or alter the software program to make the program compatible for installation or operation on a specific computer.

(d) This subsection applies to the following committees:

(1) A committee for a candidate seeking election to a state office.

(2) A political action committee that:

(A) has received more than fifty twenty-five thousand dollars (\$50,000) (\$25,000) in contributions; or

(B) has made more than twenty-five thousand dollars (\$25,000) in expenditures;

since the close of the previous reporting period.

The committee must file electronically the report or statement required under this article with the election division using a ~~standardized software program supplied to the committee without charge under subsection (c) or another format~~ **electronic filing standards** approved by the election division. ~~An electronic filing approved by the election division under this subsection may not require manual reentry into a computer system of the data contained in the report or statement in order to make the data available to the general public under subsection (g).~~ **commission.**

(e) This subsection applies to an electronic submission under subsection (b)(3). An electronic submission must be in a format previously approved by the commission that permits the election division to print out a hard copy of the report after the receipt of the electronic submission from the candidate. Filing of a report occurs under IC 3-5-2-24.5 on the date and at the time electronically recorded by the election division's computer system. If a discrepancy exists between the text of the electronic submission and the printed report, the text of the printed report prevails until an amendment is filed under this article to correct the discrepancy.

(f) The election division is not required to accept an electronic submission unless the submission complies with ~~subsection (b)(3).~~ **Upon receiving approval from the commission, the election division may accept an electronic submission from candidates, committees, or**

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persons described in subsection (b)(3): **electronic filing standards approved by the commission. The election division shall provide an electronic receipt for an electronic submission showing the date and time the submission was filed.**

(g) The election division shall make campaign finance reports stored on the computer system under subsection (b) available to the general public through an on-line service.

SECTION 30. IC 3-9-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 2. The following persons, whenever required to file a report, notice, or other instrument by this article, shall file it with the election division:

(1) Candidates for state office and their candidate's committees.

(2) The following central committees:

(A) State committees.

(B) Congressional district committees.

(3) Other regular party committees that propose to influence the election of a candidate for state or legislative office or the outcome of a public question for or against which the electorate of the whole state may vote.

(4) Political action committees that propose to influence the election of a candidate for state or legislative office or the outcome of a public question for or against which the electorate of the whole state may vote.

(5) Legislative caucus committees.

(6) After December 31, 2010, local office large expenditure candidate's committees.

SECTION 31. IC 3-9-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 3. A candidate for legislative office and the candidate's committee shall file each report, notice, or other instrument required by this article with the election division. ~~The candidate and committee shall also file a duplicate copy with the county election board of the county in which the candidate resides.~~

SECTION 32. IC 3-9-5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 4. The following persons, whenever required to file a report, notice, or other instrument by this article, shall file it with the county election board of each county comprising part of the affected election district:

(1) Candidates for local office and their candidate's committees, **except, after December 31, 2010, local office large expenditure candidate's committees.**

(2) Regular party committees that are not required to file with the election division.

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(3) Political action committees that are not required to file with the election division.

SECTION 33. IC 3-9-5-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 7. (a) A person may deliver reports to the appropriate office as follows:

(1) By hand, **unless the report must be filed electronically.**

(2) By mail, **unless the report must be filed electronically.**

(3) By electronic ~~mail~~, **filing**, if the **report complies with electronic filing standards approved by the commission and the** appropriate office has the capacity to do all of the following:

(A) Receive electronic ~~mail~~: **filings.**

(B) Electronically record the date and time that **the** electronic ~~mail~~ **filing** is received by the office.

(C) Print out a hard copy of the report after the receipt of the electronic ~~mail~~ **filing** by the office.

(b) Reports must be filed as follows:

(1) Hand delivered reports or reports transmitted by mail must be filed with the appropriate office during regular office hours not later than noon seven (7) days after the date of the report.

(2) Reports delivered by electronic ~~mail~~ **filing** must be filed with the appropriate office not later than noon seven (7) days after the date of the report.

(c) This subsection applies to a report delivered by electronic ~~mail~~: **filing**. Filing of a report occurs under IC 3-5-2-24.5 on the date and at the time electronically recorded by the office's computer system. If a discrepancy exists between the text of the electronic ~~mail~~ **filing** and the printed report, the text of the printed report prevails until an amendment is filed under this article to correct the discrepancy.

(d) An office is not required to accept a report or statement required under this article by facsimile transmission. Upon approval of a policy by the commission or a county election board to receive reports or statements by facsimile transmission, the election division or the county election board may accept the facsimile transmission of a report or statement.

SECTION 34. IC 4-2-6-1, AS AMENDED BY P.L.2-2007, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 1. (a) As used in this chapter, and unless the context clearly denotes otherwise:

(1) "Advisory body" means an authority, a board, a commission, a committee, a task force, or other body designated by any name of the executive department that is authorized only to make nonbinding recommendations.

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(2) "Agency" means an authority, a board, a branch, a bureau, a commission, a committee, a council, a department, a division, an office, a service, or other instrumentality of the executive, including the administrative, department of state government. The term includes a body corporate and politic set up as an instrumentality of the state and a private, nonprofit, government related corporation. The term does not include any of the following:

- (A) The judicial department of state government.
- (B) The legislative department of state government.
- (C) A state educational institution.
- (D) A political subdivision.

(3) "Appointing authority" means the chief administrative officer of an agency. The term does not include a state officer.

(4) "Assist" means to:

- (A) help;
- (B) aid;
- (C) advise; or
- (D) furnish information to;

a person. The term includes an offer to do any of the actions in clauses (A) through (D).

(5) "Business relationship" includes the following:

- (A) Dealings of a person with an agency seeking, obtaining, establishing, maintaining, or implementing:
 - (i) a pecuniary interest in a contract or purchase with the agency; or
 - (ii) a license or permit requiring the exercise of judgment or discretion by the agency.

~~(B) The relationship a lobbyist has with an agency.~~

~~(C) The relationship an unregistered lobbyist has with an agency.~~

(B) Seeking to influence decision making of an agency.

(6) "Commission" refers to the state ethics commission created under section 2 of this chapter.

(7) "Compensation" means any money, thing of value, or financial benefit conferred on, or received by, any person in return for services rendered, or for services to be rendered, whether by that person or another.

(8) "Employee" means an individual, other than a state officer, who is employed by an agency on a full-time, a part-time, a temporary, an intermittent, or an hourly basis. The term includes an individual who contracts with an agency for personal services.

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(9) "Employer" means any person from whom a state officer or employee or the officer's or employee's spouse received compensation. For purposes of this chapter, a customer or client of a self-employed individual in a sole proprietorship or a professional practice is not considered to be an employer.

(10) "Financial interest" means an interest:

(A) in a purchase, sale, lease, contract, option, or other transaction between an agency and any person; or

(B) involving property or services.

The term includes an interest arising from employment or prospective employment for which negotiations have begun. The term does not include an interest of a state officer or employee in the common stock of a corporation unless the combined holdings in the corporation of the state officer or the employee, that individual's spouse, and that individual's unemancipated children are more than one percent (1%) of the outstanding shares of the common stock of the corporation. The term does not include an interest that is not greater than the interest of the general public or any state officer or any state employee.

(11) "Information of a confidential nature" means information:

(A) obtained by reason of the position or office held; and

(B) which:

(i) a public agency is prohibited from disclosing under IC 5-14-3-4(a);

(ii) a public agency has the discretion not to disclose under IC 5-14-3-4(b) and that the agency has not disclosed; or

(iii) is not in a public record, but if it were, would be confidential.

(12) "Person" means any individual, proprietorship, partnership, unincorporated association, trust, business trust, group, limited liability company, or corporation, whether or not operated for profit, or a governmental agency or political subdivision.

(13) "Political subdivision" means a county, city, town, township, school district, municipal corporation, special taxing district, or other local instrumentality. The term includes an officer of a political subdivision.

(14) "Property" has the meaning set forth in IC 35-41-1-23.

(15) "Represent" means to do any of the following on behalf of a person:

(A) Attend an agency proceeding.

(B) Write a letter.

(C) Communicate with an employee of an agency.

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(16) "Special state appointee" means a person who is:

(A) not a state officer or employee; and

(B) elected or appointed to an authority, a board, a commission, a committee, a council, a task force, or other body designated by any name that:

(i) is authorized by statute or executive order; and

(ii) functions in a policy or an advisory role in the executive (including the administrative) department of state government, including a separate body corporate and politic.

(17) "State officer" means any of the following:

(A) The governor.

(B) The lieutenant governor.

(C) The secretary of state.

(D) The auditor of state.

(E) The treasurer of state.

(F) The attorney general.

(G) The superintendent of public instruction.

(18) The masculine gender includes the masculine and feminine.

(19) The singular form of any noun includes the plural wherever appropriate.

(b) The definitions in IC 4-2-7 apply throughout this chapter.

SECTION 35. IC 4-2-6-8, AS AMENDED BY P.L.89-2006, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 8. (a) The following persons shall file a written financial disclosure statement:

(1) The governor, lieutenant governor, secretary of state, auditor of state, treasurer of state, attorney general, and state superintendent of public instruction.

(2) Any candidate for one (1) of the offices in subdivision (1) who is not the holder of one (1) of those offices.

(3) Any person who is the appointing authority of an agency.

(4) The director of each division of the department of administration.

(5) Any purchasing agent within the procurement division of the department of administration.

(6) Any agency employee, special state appointee, former agency employee, or former special state appointee with final purchasing authority.

(7) An employee required to do so by rule adopted by the inspector general.

(b) The statement shall be filed with the inspector general as follows:

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(1) Not later than February 1 of every year, in the case of the state officers and employees enumerated in subsection (a).

(2) If the individual has not previously filed under subdivision (1) during the present calendar year and is filing as a candidate for a state office listed in subsection (a)(1), before filing a declaration of candidacy under IC 3-8-2 or IC 3-8-4-11, petition of nomination under IC 3-8-6, or declaration of intent to be a write-in candidate under IC 3-8-2-2.5, or before a certificate of nomination is filed under IC 3-8-7-8, in the case of a candidate for one (1) of the state offices (unless the statement has already been filed when required under IC 3-8-4-11).

(3) Not later than sixty (60) days after employment or taking office, unless the previous employment or office required the filing of a statement under this section.

(4) Not later than thirty (30) days after leaving employment or office, unless the subsequent employment or office requires the filing of a statement under this section.

The statement must be made under affirmation.

(c) The statement shall set forth the following information for the preceding calendar year or, in the case of a state officer or employee who leaves office or employment, the period since a previous statement was filed:

~~(1)~~ The name and address of any person known:

~~(A)~~ to have a business relationship with the agency of the state officer or employee or the office sought by the candidate; and

~~(B)~~ from whom the state officer, candidate, or the employee, or that individual's spouse or unemancipated children received a gift or gifts having a total fair market value in excess of one hundred dollars (\$100);

~~(2)~~ (1) The location of all real property in which the state officer, candidate, or the employee or that individual's spouse or unemancipated children has an equitable or legal interest either amounting to five thousand dollars (\$5,000) or more or comprising ten percent (10%) of the state officer's, candidate's, or the employee's net worth or the net worth of that individual's spouse or unemancipated children. An individual's primary personal residence need not be listed, unless it also serves as income property.

~~(3)~~ (2) The names and the nature of the business of the employers of the state officer, candidate, or the employee and that individual's spouse.

~~(4)~~ (3) The following information about any sole proprietorship

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owned or professional practice operated by the state officer, candidate, or the employee or that individual's spouse:

(A) The name of the sole proprietorship or professional practice.

(B) The nature of the business.

(C) Whether any clients are known to have had a business relationship with the agency of the state officer or employee or the office sought by the candidate.

(D) The name of any client or customer from whom the state officer, candidate, employee, or that individual's spouse received more than thirty-three percent (33%) of the state officer's, candidate's, employee's, or that individual's spouse's nonstate income in a year.

~~(5)~~ (4) The name of any partnership of which the state officer, candidate, or the employee or that individual's spouse is a member and the nature of the partnership's business.

~~(6)~~ (5) The name of any corporation (other than a church) of which the state officer, candidate, or the employee or that individual's spouse is an officer or a director and the nature of the corporation's business.

~~(7)~~ (6) The name of any corporation in which the state officer, candidate, or the employee or that individual's spouse or unemancipated children own stock or stock options having a fair market value in excess of ten thousand dollars (\$10,000). However, if the stock is held in a blind trust, the name of the administrator of the trust must be disclosed on the statement instead of the name of the corporation. A time or demand deposit in a financial institution or insurance policy need not be listed.

~~(8)~~ (7) The name and address of the most recent former employer.

~~(9)~~ (8) Additional information that the person making the disclosure chooses to include.

Any such state officer, candidate, or employee may file an amended statement upon discovery of additional information required to be reported.

(d) A person who:

(1) fails to file a statement required by rule or this section in a timely manner; or

(2) files a deficient statement;

upon a majority vote of the commission, is subject to a civil penalty at a rate of not more than ten dollars (\$10) for each day the statement remains delinquent or deficient. The maximum penalty under this subsection is one thousand dollars (\$1,000).

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(e) A person who intentionally or knowingly files a false statement commits a Class A infraction.

SECTION 36. IC 4-2-6-15 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: **Sec. 15. (a) This section does not apply to a communication made by the governor concerning the public health or safety.**

(b) This section does not prohibit a state officer from using in a communication the title of the office the state officer holds.

(c) As used in this section, "communication" refers only to an audio or video communication.

(d) A state officer may not use the state officer's name or likeness in a communication paid for entirely or in part with appropriations made by the general assembly.

(e) A state officer who knowingly or intentionally violates this section commits a Class A misdemeanor. In addition to any criminal penalty imposed under IC 35-50-3 for a violation of this section, a state officer who commits a misdemeanor under this section is subject to action under section 12 of this chapter.

SECTION 37. IC 4-2-6-16 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: **Sec. 16. (a) As used in this section, "applicable individual" has the meaning set forth in IC 4-2-8-1.5.**

(b) An executive branch lobbyist may not give a gift to an applicable individual unless the lobbyist receives the approval of the applicable individual to whom the gift is given before giving the gift.

SECTION 38. IC 4-2-7-1, AS ADDED BY P.L.222-2005, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: **Sec. 1. The following definitions apply throughout this chapter:**

(1) "Agency" means an authority, a board, a branch, a commission, a committee, a department, a division, or other instrumentality of the executive, including the administrative, department of state government. The term includes a body corporate and politic established as an instrumentality of the state. The term does not include the following:

(A) The judicial department of state government.

(B) The legislative department of state government.

(C) A political subdivision (as defined in IC 4-2-6-1).

(2) "Business relationship" has the meaning set forth in IC 4-2-6-1.

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(3) "Employee" means an individual who is employed by an agency on a full-time, a part-time, a temporary, an intermittent, or an hourly basis. The term includes an individual who contracts with an agency for personal services.

(4) "Ethics commission" means the state ethics commission created by IC 4-2-6-2.

(5) "Lobbyist" means an individual who: ~~seeks to influence decision making of an agency~~

(A) has a business relationship (as defined in IC 4-2-6-1) with an agency; and who

(B) is registered as an executive branch lobbyist under rules adopted by the Indiana department of administration.

(6) "Person" has the meaning set forth in IC 4-2-6-1.

(7) "Special state appointee" has the meaning set forth in IC 4-2-6-1.

(8) "State officer" has the meaning set forth in IC 4-2-6-1.

SECTION 39. IC 4-2-8-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: **Sec. 1.5. As used in this chapter, "applicable individual" refers to any of the following:**

(1) An individual described in IC 4-2-6-8(a).

(2) The spouse of an individual described in IC 4-2-6-8(a).

(3) An unemancipated child of an individual described in IC 4-2-6-8(a).

SECTION 40. IC 4-2-8-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: **Sec. 3.5. (a) An executive branch lobbyist shall file a written report whenever the lobbyist makes:**

(1) a gift to the applicable individual with a value of more than fifty (\$50) dollars; or

(2) gifts in a calendar year that together have a value of more than two hundred fifty dollars (\$250).

(b) A report under this section must state the following:

(1) The name of the executive branch lobbyist making the gift.

(2) A description of the gift.

(3) The value of the gift.

(c) An executive branch lobbyist shall file a copy of a report required by this section with all the following:

(1) The commission.

(2) The applicable individual with respect to whom the report is made.

(d) An executive branch lobbyist shall file a report required by

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1 this section not later than seven (7) days after making the gift.
 2 (e) Not later than January 7, the commission shall provide to
 3 each affected individual a written compilation of all reports filed
 4 under subsection (c) relating to that affected individual. The
 5 compilation must provide the following information to the affected
 6 individual for each gift:
 7 (1) A description of the gift.
 8 (2) The value of the gift.
 9 (3) The name of the executive branch lobbyist making the gift.
 10 SECTION 41. THE FOLLOWING ARE REPEALED [EFFECTIVE
 11 JANUARY 1, 2011]: IC 2-7-1-1.5; IC 2-7-1-17; IC 2-7-3-6.

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